

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
JULY 23, 1990
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m. with no quorum present. A quorum was present at 2:07 p.m. with Council Members Wolfsheimer, Hartley, and Filner not present. Mayor O'Connor adjourned the meeting at 5:36 p.m. into Closed Session at 9:45 a.m. on Tuesday, July 24, 1990, in the twelfth floor conference room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-excused by R-276415
(vacation)
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (mp)

FILE LOCATION: MINUTES

Jul-23-1990

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-not present

- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

Jul-23-1990

ITEM-10: INVOCATION

Invocation was given by Dr. Art Peters of the Scott
Memorial Baptist Church.

FILE LOCATION: MINUTES

Jul-23-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Henderson.

FILE LOCATION: MINUTES

Jul-23-1990

ITEM-30: APPROVED MINUTES

Approval of Council Minutes for the Meetings of:

06/07/90 Special

06/11/90

06/12/90

06/18/90

06/19/90

06/19/90 Special

06/27/90 Special

06/28/90 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B246-250.)

MOTION BY McCARTY TO APPROVE THE MINUTES. Second by Roberts.

Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: CONTINUED TO SEPTEMBER 17, 1990

Matter of the request of Peninsula Community Planning Board, Inc., by Norman Magneson, Chair, for a hearing of an appeal from the decision of the Board of Zoning Appeals in approving variance / Conditional Use Permit C-20523, subject to conditions.

The project request is to maintain 1) a three-story, single-family dwelling observing a .75 floor area ratio where .60 is the maximum permitted; 2) three bay windows observing a 13'0" front yard where 15'0" is required; 3) guest quarters where such use is permitted by Conditional Use Permit only; 4) 7'2" wide fireplace observing a 3'0" rear yard where 4'0" is required; 5) eave projection observing a 2'0" rear yard where 2'6" is required; and 6) 7'4" high retaining wall observing a 2'0" street side yard where a 6'0" high retaining wall is the maximum height permitted within the side yard. The subject property is located at 1447 Plum Street, in Zone R1-5000, in the Peninsula Community Plan area, and is more particularly described as portions of Lots 11 and 12, Block 55, Roseville, Map-165.

(C-20523. District-2.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - C-20533

COUNCIL ACTION: (Tape location: A058-069.)

MOTION BY ROBERTS TO CONTINUE TO SEPTEMBER 17, 1990, AT THE REQUEST OF THE COMMUNITY. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-32: GRANTED REQUEST FOR A HEARING

Matter of the request of The Fieldstone Company, by Charles R. Gill of McDonald, Hecht & Solberg, for a hearing of an appeal from the decision of the Planning Commission in approving, with conditions, Vesting Tentative Map, Planned Residential Development Permit and Coastal Development Permit VTM, PRD and CDP-89-0892, proposing a 369-lot subdivision (Canyon Country West, Units 1 & 2) for construction of 354 detached single-family residences on approximately 152.0-acres of land.

The subject property is located south and north of Calle Cristobal/Sorrento Valley Boulevard, north of Mira Mesa Boulevard, west of Camino Ruiz and east of Camino Santa Fe, in Zone A-1-10/HR (proposed R-1-5000/HR), and R1-5000/HR, in the Mira Mesa Community Plan area and the North City Local Coastal Program area. The site is more particularly described as a portion of Canyon Country Unit No. 3, Map-12236; and Unit No. 12, Map-11761; and a portion of Parcel 2, Parcel Map PM-13065.

(VTM, PRD & CDP-89-0892. District-5.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - SUBD-Canyon Country West, Units 1 & 2, PRD & CDP-89-0892

COUNCIL ACTION: (Tape location: A071-079.)

MOTION BY BERNHARDT TO GRANT THE REQUEST FOR A HEARING BASED ON CITY-WIDE SIGNIFICANCE. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-50: (O-90-54) ADOPTED AS ORDINANCE O-17498 (New Series)

Amending Chapter III, Article 3, of the San Diego Municipal Code relating to Cabarets and Dance Halls, Public Dances, Peep Show Establishments, Commercial Amusement Establishments, and Adult Entertainment and by amending and renumbering Sections 33.1501.2, 33.1501.3 through 33.1501.5, 33.1501.8, 33.1501.10, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520.1 through 33.1520.3, 33.1530.1 through 33.1530.4 (relating to Cabarets and Dance Halls); 33.1540.1 through 33.1540.4, 33.1550.3 through 33.1550.5 (relating to Public Dances); 33.3300, 33.3301, 33.3302 (relating to Peep Show Establishments); and by amending Section 33.1638 (relating to Commercial Amusement Establishment and Assemblages and Devices); and by amending Sections 33.3301, 33.3313 through 33.3317, 33.3319, 33.3324 through 33.3326 (relating to Peep Shows); and by repealing Section 33.3323 (relating to Peep Shows); and by amending Section 33.3608 and by amending Section 33.3610(e) (relating to Nude Entertainment); and by amending Chapter X, Article 1, by amending Section 101.1801.3 (relating to Adult Entertainment); and by amending Sections 33.1530, 33.1540 and 33.1550 to reflect the renumbering of Sections 33.1520.1; and by amending Section 33.1641 to reflect the renumbering of Section 33.3301; and by amending Chapter IV, Article 2 of the San Diego Municipal Code by amending Section 42.0216 to reflect the renumbering of Section 33.3301.

(Introduced on 7/9/90. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A124-130.)

CONSENT MOTION BY BERNHARDT TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-51: (O-89-231 Corr. Copy) ADOPTED AS ORDINANCE O-17499
(New Series)

Incorporating various properties located within the Mission Valley Community Plan area into the Mission Valley Planned District Ordinance for the purposes of implementing the

Mission Valley Community Plan; for development intensity purposes, this Ordinance also incorporates those properties in the Linda Vista Community Plan Area adjacent to Friars Road.

(District-5. Introduced on 6/12/90. Council voted 8-0. Mayor not present. Reintroduced as amended on 6/25/90. Council voted 9-0. Reintroduced as amended on 7/9/90. Council voted 9-0.)

FILE LOCATION: LAND - Mission Valley Planned District

COUNCIL ACTION: (Tape location: A132-196.)

MOTION BY BERNHARDT TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

* ITEM-52:

Three actions relative to the Mid-City Single Family Classification Map:

(Mid-City Community Area. District-3.)

Subitem-A: (O-90-200) ADOPTED AS ORDINANCE O-17500 (New Series)

Incorporating various properties within the Mid-City Plan areas, with the Boundary of the Area identified as R1-5000 on Zone Map Drawing No. C-820 (Area 15) from MR-3000 Zone into R1-5000 Zone.

(Introduced on 6/26/90. Council voted 9-0. Reintroduced on 7/9/90. Council voted 8-0. District 6 not present.)

Subitem-B: (O-90-201) ADOPTED AS ORDINANCE O-17501 (New Series)

Incorporating various properties within the Mid-City Plan areas, with the Boundary of the Area identified as R1-5000 on Zone Map Drawing No. C-821 (Area 16) from MR-1500B Zone into R1-5000 Zone.

(Introduced as amended on 6/26/90. Council voted 9-0. Reintroduced on 7/9/90. Council voted 8-0. District 6 not present.)

Subitem-C: (O-90-202) ADOPTED AS ORDINANCE O-17502 (New Series)

Incorporating various properties within the Mid-City Plan areas, with the Boundary of the Area identified as R1-5000 on Zone Map Drawing No. C-822 (Area 17) from MR-3000 Zone and MR-1500 into R1-5000 Zone.

(Introduced on 6/26/90. Council voted 9-0. Reintroduced on 7/9/90. Council voted 8-0. District 6 not present.)

FILE LOCATION: LAND - Mid-City Community Plan

COUNCIL ACTION: (Tape location: A124-130;B232-246.)

CONSENT MOTION BY BERNHARDT TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO RECONSIDER. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO REVISE THE TEXT OF THE ITEM TO MAKE IT CONSISTENT WITH THE REVISED ORDINANCES SUBMITTED TO THE CITY CLERK. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-53: (O-90-208) ADOPTED AS ORDINANCE O-17503 (New Series)

Authorizing the execution of a First Amendment to the Joint Use Recreation Agreement with the San Diego Unified School District as set forth in Ordinance O-12144 (New Series) adopted August 12, 1977, for construction, maintenance and operation of turfed playing fields at Adams Elementary School and 13 other area schools; authorizing the execution of an agreement for construction, operation, maintenance and lease of turfed playing fields and recreation facilities at Adams Elementary School, with any reasonably necessary modifications or amendments which do not increase the agreement's scope or cost which the City Manager shall

deem necessary to carry out the purposes and intent of this agreement; authorizing the expenditure of an amount not to exceed \$499,000 from CIP-29-710.0, Adams Avenue Park, Mid-City Park Development Fund No. 39094, for the purpose of providing funds for the above agreement; authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department.

(Mid-City Community Area. District-3. Introduced on 7/9/90. Council voted 9-0.)

FILE LOCATION: LEAS - San Diego Unified School District
LEASFY91-1

COUNCIL ACTION: (Tape location: A124-130.)

CONSENT MOTION BY BERNHARDT TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-25) ADOPTED AS RESOLUTION R-276171

Awarding a contract to Goldkamp Landscaping for furnishing complete landscape maintenance of designated center medians, rights-of-way and open space within the Penasquitos East Landscape Maintenance District, as may be required for a period of one year beginning September 1, 1990 through August 31, 1991, for a total cost of \$58,000, including terms, with an option to renew the contract for four additional one year periods with price escalations not to exceed 5% of prices in effect at the end of each prior year; in the event the contractor does not perform to specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low responsive and responsible bidder, and to subsequent bidders, if necessary, until a bidder is found who performs to specifications. (BID-C1542/9) (District-1.)

FILE LOCATION: STRT M-207 CONFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-91-22) ADOPTED AS RESOLUTION R-276172

Awarding a contract to Contractor Supply for the purchase of one-inch meter valves, as may be required for a period of one year beginning August 1, 1990, for an estimated cost of \$87,700, including tax and terms. (BID-E1580/90)

FILE LOCATION: CONT - Purchase - Contractor Supply
CONFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-90-1622) ADOPTED AS RESOLUTION R-276173

Awarding a contract to Voice and Video, Inc., for a 60-month lease/purchase of audio-visual equipment, as may be required, for a total cost of \$324,613.20; declaring that the lease is subject to termination at the end of any fiscal year per terms of the bid, should funds not be appropriated by the City Council; the City is to assume title to the equipment at the end of the 60-month period, with the option of upgrading any item of equipment at the end of two years at renegotiated prices with adjustments for trade-in value. Failure to reach an agreement acceptable to the Purchasing Agent shall permit termination of that portion of the contract without penalty to the City. (BID-H1260/90)

FILE LOCATION: CONT - Purchase - Voice and Video, Inc.
CONTFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

19900723

* ITEM-103:

Two actions relative to the Improvement of Skyline Drive from Valencia Parkway to Deerrock Place:
(Southeast San Diego and Skyline-Paradise Hills Community Areas. District-4.)

Subitem-A: (R-91-26) ADOPTED AS RESOLUTION R-276174

Inviting bids for the Improvement of Skyline Drive from Valencia Parkway to Deerrock Place on Work Order No. 118900; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$30,000 from Deposit Trust Funds No. 63021, to CIP Trust Fund No. 63022; authorizing the City Auditor and Comptroller to transfer \$30,000 from CIP Trust Fund No. 63022, Skyline Drive from Valencia Parkway to Deerrock Place Fund No. 52-377.0; authorizing the expenditure of an amount not to exceed \$1,077,518 from CIP-52-377.0, Skyline Drive - Valencia Parkway to Deerrock Place (\$59,118 from Gas Tax Fund No. 30219, \$988,400 from Prop A Fund No. 30300 and \$30,000 from CIP Trust Fund No. 63022), for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K1654/91)

Subitem-B: (R-91-27) ADOPTED AS RESOLUTION R-276175

Certifying that the information contained in Environmental Negative Declaration END-89-0145, dated March 25, 1989, in connection with CIP-52-377, entitled Skyline Drive Improvements, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This project provides for the improvement of Skyline Drive between Valencia Parkway to Deerrock Place and it is consistent with the General Plan and the adopted Southeast San Diego and Skyline/Paradise Hills community plans. The improvements include construction of curb and gutter, sidewalk and street pavement within the existing right-of-way where there are currently no improvements, a traffic signal at Skyline and Woodman and modification to the traffic signal at Meadowbrook Drive and Skyline Drive. General Services/Streets Division will overlay Skyline Dr. from Valencia

Parkway to Meadowbrook Drive to improve the general riding surface in conjunction with this project. The current traffic volume of 12,000 ADT does not justify the striping of Skyline to four-lane major, as stated in the CIP description. Therefore, Skyline Drive will be restriped to the current configuration of one lane in each direction with a dual left-turn median with minimum loss of existing one-street parking. The \$30,000 from Fund No. 63021 are funds deposited by Sunburst Homes Corporation for improvements per Resolution R-272874, adopted February 14, 1989, Item 11 - cash contribution for the future construction of a traffic signal system at Skyline Drive and Woodman Street. Completion of this project will enhance both vehicular and pedestrian safety.

Aud. Cert. 9100034.

FILE LOCATION: W.O. 118900 CONT - Sim J. Harris Company
CONFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-104: (R-91-28) TRAILED TO TUESDAY, JULY 24, 1990

Inviting bids for Traffic Signal Subsystem at Imperial Avenue between 25th Street and 32nd Street, and at National Avenue between 28th Street and 38th Street, on Work Order No. 119444; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$210,000 from Traffic Signal Subsystems-DIF Funded Fund No. 79511, CIP-62-291.0, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in CIP-62-291.0. (BID-K1653/91)
(Centre City and Greater Golden Hill Community Areas. Districts-4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project coordinates the operation of four traffic signals on Imperial Avenue between 25th Street and 32nd Street; and coordinates the operation of six traffic signals on National Avenue between 28th Street and 38th Street. Features

include installation of approximately 5,600 lineal feet of interconnect conduit and cable; replacement of four obsolete traffic signal controllers; and the installation of two local master traffic signal controllers.

Aud. Cert. 9001032.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A112-119.)

* ITEM-105: (R-91-24) ADOPTED AS RESOLUTION R-276176

19900723

Rejecting all bids received on April 17, 1990, and readvertising for bids for the Construction of Storm Drains on Padgett Street at Activity Road on Work Order No. 119343; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$71,000 from Proposition "A" Fund No. 30300, CIP-11-249, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K1336/90A)
(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This project will augment the existing storm drain system built ten years ago on Padgett Street at Activity Road by installing storm drain pipe, cleanouts, inlets, and reconstructing an existing cross-gutter in order to minimize the dip (bump) effect. This project will

improve the drainage as well as the traffic flow on these collector streets within the Mira Mesa community area. Bids were opened on April 17, 1990, and the City proceeded to award the contract to the low bidder. During the evaluation of the low bid documents, it was determined that State Construction Company, the low bidder, failed to demonstrate good faith efforts in soliciting and engaging the participation of minority and women business enterprises (MBE/WBE) as subcontractors and/or suppliers. The City's Equal Opportunity Administration contract compliance officer recommends the rejection of all bids and the rebidding of this project. Engineering and Development Department staff concurs with this recommendation.

Aud. Cert. 9001086.

FILE LOCATION: W.O. 119343 CONT - Sim J. Harris Company
CONTFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106:

Three actions relative to Westview Parkway/Galvin Avenue
Cost Reimbursement District:
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-91-18) ADOPTED AS RESOLUTION R-276177

Authorizing the City Manager to initiate proceedings for the formation of a cost reimbursement district for the signalization of the intersection of Westview Parkway and Galvin Avenue, pursuant to the provisions of the San Diego Municipal Code Section 68.0208.

Subitem-B: (R-91-19) ADOPTED AS RESOLUTION R-276178

Authorizing the City Auditor and Comptroller to establish the Westview Parkway/Galvin Avenue Fund No. 72010 to make appropriate payments.

Subitem-C: (R-91-78) ADOPTED AS RESOLUTION R-276179

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$35,000 from Capital Outlay Fund No. 30245, CIP-68-001.0, Annual Allocation - Cooperative Signal Projects to Fund No. 72010, Westview Parkway/Galvin Avenue; authorizing the expenditure of an amount not to exceed \$35,000 from Fund No. 72010, Westview Parkway/Galvin Avenue, for the City's share of the traffic signal and administrative costs; and authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION: In January 1988, the City Council adopted the Cost Reimbursement District Procedural Ordinance O-17013. This Ordinance provides a mechanism for developers who are required to construct certain public improvements above and beyond what is normally required to support their development, a chance to seek reimbursement from other benefitting property owners. Pardee Construction Company will be constructing the intersection of Westview Parkway and Galvin Avenue.

This intersection will be signalized in the future and Pardee has offered to provide the signal at this time provided a Cost Reimbursement District is established. The City would be a participant in the district for an amount not to exceed \$35,000 with the funding source from CIP-68-001.0, Annual Allocation - Cooperative Signal Projects. This improvement will be evaluated to determine the percentage eligible for reimbursement. The cost of this improvement will then be spread to property owners based on benefit. Prior to the noticed public hearing, which will be held in the future, staff will notice all affected property owners and explain the spread methodology.
Aud. Cert. 9100038.

FILE LOCATION: STRT CR-15

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-73) ADOPTED AS RESOLUTION R-276180

Excusing Councilmember Bob Filner from attending the Transportation and Land Use Committee meeting of June 11, 1990, due to his attendance to other official City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-91-74) ADOPTED AS RESOLUTION R-276181

Excusing Councilmember Judy McCarty from attending the Council meeting of July 16, 1990, for the purpose of attending a meeting of the United Nations Environment Programme (UNEP) in New York, relating to goals and local strategies for the reduction, reuse, and recycling of solid waste in the 1990s.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109:

Two actions relative to authorizing Suggestion Awards to
the following City employees:

Subitem-A: (R-91-85) ADOPTED AS RESOLUTION R-276182

James Froslic - General Services - \$905.79.

Subitem-B: (R-91-86) ADOPTED AS RESOLUTION R-276183

Rodney S. Ballard - Fire Department - \$25.

Maurice A. McKeirnan, Jr. - Water Utilities Department -
\$320.

Antonio Johnson - Park and Recreation Department - \$90.

Ronald B. Trenton - Park and Recreation Department - \$50.

George M. Harkleroad - General Services - \$90.

Maureen Dixon - Purchasing - \$80.

Monica Montgomery - Risk Management - \$45.

Eugene Forcier - Risk Management - \$33.72.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed
by the following vote: Wolfsheimer-not present, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-90-2295) ADOPTED AS RESOLUTION R-276184

Accepting the \$5,000 donation from the San Diego Community
Foundation to contract for the specialized services
associated with relocation, storage and installation of the
Aztec Brewery Artwork; commending the San Diego Community
Foundation and the Benefactors for their civic generosity
in the support of public art.
(Barrio Logan Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On March 12, 1990, the City Council approved seven actions relative to Aztec Brewery/Artwork. One of these actions authorized a "loan for use agreement" regarding the artwork between the City of San Diego and Luis E. Garcia, Inc. Under this agreement, the artwork will be displayed and stored at Chuey's Restaurant until such time as a permanent display area can be found and/or built in the Barrio Logan Community. The San Diego Community Foundation, on behalf of the Ingrid and Joseph Hibben Fund and the Beth V. Paynter Memorial Fund, has donated \$5,000 to the City for displaying the artwork of Jose Moya del Pino. The City Council is requested to accept this gracious gift from the San Diego Community Foundation and to authorize the City Manager to expend these funds and directly contract for relocation, storage and/or installation services associated with displaying the artwork. The Community Foundation and its benefactors are commended for their civic generosity in support of public art.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-71) ADOPTED AS RESOLUTION R-276185

Authorizing the City Manager to increase the fee by \$.25 per meal for participants in the Senior Nutrition Program, operated by the San Diego Unified School District; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,920,814 from the General Fund No. 100 to the Human Care Services Special Fund No. 19663; authorizing the expenditure of an amount not to exceed \$3,307,333 (\$1,964,719 from Human Care Services Special Fund No. 19663; \$1,342,614 from Fund No. 18526 (16th Year CDBG Entitlement) for the operation of 36 social service programs.

CITY MANAGER SUPPORTING INFORMATION: The City Council on June 11, 1990 authorized the City Manager to enter into 36 social service contracts, and provided one month's worth of funding rather than the normal 12 month's funding due to pending financial constraints facing the City in FY'91. The City Council, sitting as the Committee of the Whole, has set aside sufficient funds to extend the above contracts for 12 months at the current funding level. The action before Council extends current contractors' funding to 12 months, which represents the same funding levels as received in prior agreements.

In addition to funding current contractors at the FY'90 level, other funding requests have been received by the City. Specifically, Alpha Project of San Diego has requested \$10,000 for rent payments, and CALPIRG has requested \$20,000 for publishing the "CALPIRG Reports." Inquiries have also been made by other groups seeking City funding, but they have not submitted specific requests. The above action will not provide for these projects.

If additional funding were to be made available, it is recommended that first priority be given to granting a cost of living adjustment to current contractors in the amount of a 5 percent increase, which would require an \$188,000 allocation. If funds were provided beyond this amount, then additional recommendations would be forthcoming. In order to offset a project deficit of approximately \$38,000 for the FY'91 Senior Nutrition Program due to increases in food and handling costs, it is necessary to increase the fee charged to seniors by \$.25, from \$1.25 per meal to \$1.50 per meal. This issue was discussed with the Senior Advisory Board, and the increase in the fee per meal was strongly favored over the alternatives of closing one or more low participation sites, the closing of all sites on one

or more days of the week, or increasing the eligibility age of senior participants.

Aud. Cert. 9100030.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-97) ADOPTED AS RESOLUTION R-276186

Authorizing the City Manager to apply for and accept grant funds from the San Diego County Water Authority for the purpose of water reclamation facilities planning, feasibility investigations, preliminary engineering studies and research projects related to water reclamation, and to execute all documents necessary for the grant application.

CITY MANAGER SUPPORTING INFORMATION: The San Diego County Water Authority established a Water Reclamation Financial Assistance Program to encourage water reclamation facilities planning, feasibility investigations, preliminary engineering studies and research projects related to water reclamation. The primary purpose of the program is to promote projects capable of replacing an existing or new demand upon the San Diego area fresh water supply. The Clean Water Program is interested in pursuing funding from this program in support of the Water Reclamation Management Division.

The Clean Water Program is working with the San Diego County Water Authority (CWA) to develop proposals, in line with Clean Water Program objectives, which also meet the criteria for financial assistance from the CWA. Passage of this resolution will authorize the Clean Water Program to apply for and accept funding from the San Diego County Water Authority to financially assist water reclamation projects.

WU-CWP-90-197.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-91-01) ADOPTED AS RESOLUTION R-276187

Authorizing the City Manager to jointly apply for a \$40,000 grant from the Stewarts Foundation to continue the planning efforts associated with the pilot coordinated services project with the San Diego Unified School District, the San Diego Community College District, and the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego, the County of San Diego, the San Diego Unified School District, and the San Diego Community College District have developed a staff level interagency think tank known as "New Beginnings." For the last year, the group has explored the development of interagency collaborations to improve and coordinate services to youths and their families. The initial 12 months was funded by a grant from the Stewarts Foundation. The action before Council is to request an additional \$40,000 for three months to complete the research, and to develop recommendations. The initial focus of the study was on Hamilton Elementary School in the Mid-City area. If successful, the pilot project will be expanded to other communities throughout the City of San Diego. The Unified School District will administer the grant extension and continue to act as the fiscal agent.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-114: (R-91-69) TRAILED AS UNFINISHED BUSINESS TO TUESDAY,
JULY 24, 1990

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$250,000 from CIP-46-155, State Ocean Plan Compliance, to CIP-46-147, Modified Wastewater Treatment Facilities Plan, for additional anticipated costs of special counsel services by Pepper, Hamilton and Scheetz in U.S.A. v. City of San Diego, Case No. 88-1101-B (IEG); authorizing the expenditure of an amount not to exceed \$250,000 from CIP-46-147, Modified Wastewater Treatment Facilities Plan, for the purpose of providing for costs associated with defense in the penalty phase of this litigation.

CITY MANAGER SUPPORTING INFORMATION: In January 1988, the City began negotiations with the Department of Justice, Environmental Protection Agency, and Regional Water Quality Control Board to resolve issues related to the compliance with the Federal Clean Water Act and the California State Ocean Plan. After six months of discussions, negotiations were discontinued when the parties were unable to agree on end dates for design and construction of new sewage treatment facilities. Subsequently, on July 27, 1988, the State and Federal governments lodged a complaint in federal court, U.S.A. vs. City of San Diego. Negotiation of a consent decree involving issues as complex as those raised in this case has required expert assistance from both the City Attorney and outside legal counsel.

The Original Special Counsel Letter of Agreement for professional services related to consent decree negotiations was in the amount of \$200,000. In September 1989, an additional \$400,000 was allocated. Because of the longevity and complexity of this case, an additional \$250,000 is requested to cover the additional anticipated costs for the services of Pepper, Hamilton and Scheetz.

Aud. Cert. 9001088.

WU-CWP-90-191.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

* ITEM-115: (R-91-82) ADOPTED AS RESOLUTION R-276188

Authorizing the execution of an agreement with Fraser Engineering Company for professional services in connection with the design of Sewer Pump Station No. 4, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$99,960 from Sewer Revenue Fund 41506, CIP-46-106, from the Annual Allocation, Sewer Pump Station Restorations, for the purpose of providing funds for the above project.
(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Located in the Peninsula community area on Carleton Street, Sewer Pump Station No. 4 has provided sewer service for some 850 acres of City and Navy lands for over 60 years. Having noted severe deterioration in both the pumping equipment and the existing structure, the determination has been made that the entire facility must be redesigned and constructed. Because of the complexity of the redesign, the experience and expertise of a consulting engineer is required. Three firms were certified to the Water Utilities Department from the "As-needed" list of consultants by the consultant selection coordinator. On January 11, 1990, two of the firms were interviewed (the third declined) by Water Utilities Department staff in accordance with Council Policy 300-7. Fraser Engineering, Inc., a WBE firm, was selected as the best qualified to provide the required consultant services. Subconsultants for Fraser Engineering, Inc. will be C.W. Kim, AIA, Architects and Planners (MBE) 3.5% of the contract and Ascot Electric 10.5% of the contract.
Aud. Cert. 9100039.
WU-U-90-175.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-91-87) ADOPTED AS RESOLUTION R-276189

Authorizing the execution of a one-year lease agreement, with two one-year renewal options, with Montgomery Plaza Shopping Center, for the continued use of 2953 Beyer Boulevard as a Police Department Community Relations Office, at an annual rent of \$7,980; authorizing the expenditure of an amount not to exceed \$7,315 from the General Fund (Fund 100, Dept. 110, Org. 485, Account 4682, Job order 111482), for lease costs from August 1, 1990, to June 30, 1991.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Since October 1984, the Police Department has maintained a storefront site at 2953 Beyer Boulevard in the San Ysidro area. The present lease rate is \$640.01 per month for approximately 855 square feet of office space (75 cents rounded, per square foot). It is proposed to renew the agreement with Montgomery Plaza Shopping Center, the property owner, for one year with two one-year options to extend. Conditions of the lease are basically the same as in the existing agreement except the rent has been increased to \$665 per month (78 cents rounded, per square foot) and will be subject to a CPI adjustment for each option period exercised. This office is in an excellent location at a reasonable rent. Aud. Cert. 9100042.

FILE LOCATION: LEAS - Montgomery Plaza Shopping Center
LEASFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117:

Two actions relative to the Agreement between the City of San Diego and the Regents of the University of California for Construction and Reimbursement of La Jolla Shores Pipeline:
(La Jolla Community Area. District-1.)

Subitem-A: (R-91-80) ADOPTED AS RESOLUTION R-276190

Authorizing the execution of an agreement with the Regents of the University of California for construction and reimbursement of La Jolla Shores Pipeline, together with reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of this project and agreement; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,987,390 from Water Revenue Fund 41502, La Jolla Shores Pipeline, CIP-73-305.0, for the purpose of executing this agreement, \$487,390 is contingent upon Council approval at the FY 1991 Utilities Capital Improvement Budget; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances warrant.

Subitem-B: (R-91-81) ADOPTED AS RESOLUTION R-276191

Certifying that the information contained in Environmental Impact Report Sch No. 85062616 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: In 1944 and 1963, the University of California granted to the City of San Diego easements for construction and operation of a water supply main through University property in Pueblo Lot 1298 of the Pueblo Lands of San Diego. Subsequently, in 1944 and 1963 a 16-inch water main was installed within these easements. The University

now plans to construct a new aquarium on Lot 1298 which will require relocation of one easement and the 16-inch water main. The University is willing to grant to the City of San Diego a new easement for water main purposes in a new road system through the lot, and construct 5,670 feet of new 30-inch water main in a new road and two public streets and a temporary 16-inch bypass main. The 16-inch bypass main will prevent interruptions during construction of the 30-inch main. This 30-inch main is phase one of a two-phase pipeline project which will improve service to the La Jolla, Pacific Beach and Mission Beach communities. Phase Two, which will be constructed later by the City, will extend the 30-inch main to the Muirlands Pump Plant located in the Soledad Mountain area. The main will provide a backup water source to the areas mentioned above exclusive of any upstream energy-dependent pumping operations.

It will improve normal daily service to neighborhoods along its alignment and provide reliable water service consistent with the existing plans for these communities. The proposed agreement provides for reimbursement to the University of California for the actual cost to design and construct the 30-inch water main. The University will be paying their share of the project's relocation cost by constructing a temporary 16-inch bypass main at no cost to the City.

Aud. Cert.: FY90 - 9001092.

FY91 - 9100040.

WU-U-90-159.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-91-90) ADOPTED AS RESOLUTION R-276192

Approving Change Order No. 2, dated December 29, 1989,
issued in connection with the contract with Engicon

Corporation, for Water and Sewer Main Replacement Group 459, amounting to a net increase in the contract price of \$23,051.93 and an extension of the contract duration by three working days; and approving Change Order No. 3, dated May 22, 1990, issued in connection with the contract with Engicon Corporation, for Water and Sewer Main Replacement Group 459, amounting to a net increase in the contract price of \$31,795.38; authorizing the City Auditor and Comptroller to transfer \$56,579.43 within Sewer Revenue Fund No. 41506 from the Unallocated Reserve (70697) to CIP-44-001 (70892); authorizing the expenditure of an amount not to exceed \$56,579.43 from Sewer Revenue Fund 41506, CIP-44-001, to fund these Change Orders.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Point Loma Peninsula is one of the earlier developed communities within the city. Its concrete sewer lines and cast iron water lines, installed between 1928 and 1950, were causing excessive

stoppages and breaks. These mains had served their useful life and have been replaced. From Water Utilities' records an estimate was made as to the number of sewer and water laterals needing replacement in the project. However, the actual number of sewer laterals upon visual inspection that needed replacement greatly exceeded the quantity anticipated. The cost of these additional sewer laterals in Change Orders No. 2 and No. 3 is \$54,100. The remainder of the change orders is miscellaneous costs of \$747.31 due for the minor changes of work during the course of construction. Change Order No. 1 was in the amount of \$21,785.16 for additional sewer laterals and other miscellaneous items. Total change order cost to date is \$76,632.47 or 7.0%. No other change orders are anticipated.

Aud. Cert. 9001097

WU-P-90-142.

FILE LOCATION: CONT - Engicon Corporation CONFY91-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-119: (R-90-2311) ADOPTED AS RESOLUTION R-276193

Resolution of Intention to dissolve the City of San Diego
Penasquitos Sewer District.

(Rancho Bernardo, Penasquitos East, Rancho Carmel and
Carmel Valley Community Areas. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Penasquitos Sewer District was created in 1970 as an improvement district. At that time, \$9,500,000 in bonds were issued to finance acquisition, construction, and work improvements for interceptor sewers, trunk sewers and pumping plants within the district. To retire the debt, property owners within the district boundaries were charged additional property taxes. The bonds are now fully retired and taxes are no longer being collected from the district. The action before Council today is

to dissolve the district, which has fulfilled the purpose for which it was created. Any remaining funds in the Penasquitos Sewer District Fund will be returned to the Sewer Revenue Fund because the Sewer Revenue Fund contributed funds toward retiring the bonds in order to reduce the charges on district property owners.

Aud. Cert. 9001082.

WU-U-90-184.

FILE LOCATION: STRT U-1

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-90-925) CONTINUED TO AUGUST 6, 1990

Authorizing the City Manager to negotiate for the sale of Site 13C to the San Diego Hebrew Day School, and, if feasible, to provide for the use of a portion of the property by the Free Serbian Orthodox Church; authorizing the City Manager to include a potential acquisition of the portion of Stevenson Canyon owned by the Hebrew Day School as part of the consideration for the acquisition of Site 13C.

(See City Manager Report CMR-89-515. District-1.)

COMMITTEE ACTION: Initiated by PFR on 11/8/89.

Recommendation to redesignate all of Site 13C as a sale parcel and authorize the City Manager to: 1) Negotiate a sale-terms agreement with the San Diego Hebrew Day School and Free Serbian Orthodox Church and 2) Investigate the feasibility of including Stevenson Canyon as part of the acquisition payment. Districts 1, 5, 6, 7 and 8 voted yea.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A095-102.)

MOTION BY McCARTY TO CONTINUE TO AUGUST 6, 1990, AT COUNCIL MEMBER FILNER'S REQUEST BECAUSE MEMBERS OF THE ORGANIZATION COULD NOT BE PRESENT DUE TO THEIR HOLIDAY SCHEDULE. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-151:

(Continued from the meeting of July 9, 1990, Item S401, at the City Manager's request, for additional discussion with the County.)

Three actions relative to the contract and sublease for a Misdemeanor Pre-Arrest Detention Facility:

(See City Manager Reports CMR-90-140 and CMR-90-305.)

Subitem-A: (O-91-1) TRAILED AS UNFINISHED BUSINESS TO
TUESDAY, JULY 24, 1990 DUE TO LACK OF
SIX AFFIRMATIVE VOTES

Introduction of an Ordinance authorizing the execution of
an operating agreement for a Misdemeanor Pre-Arraignment
Detention Facility between the City of San Diego and
Wackenhut Corrections Corporation.

Subitem-B: (O-91-2) TRAILED AS UNFINISHED BUSINESS TO
TUESDAY, JULY 24, 1990 DUE TO LACK OF
SIX AFFIRMATIVE VOTES

Introduction of an Ordinance authorizing the City Manager
to execute a ground lease with the County of San Diego for
the construction and operation of a proposed 200-inmate
Misdemeanor Pre-Arraignment Detention Facility at the East
Mesa Correctional Complex with a provision establishing the
Misdemeanor Pre-Arraignment Detention use as the sole legal
use during the lease term.

Subitem-C: (R-91-61) ADOPTED AS RESOLUTION R-276194

Adoption of a Resolution authorizing the execution of a
sublease agreement with Wackenhut Corrections Corporation
for approximately five and one-half acres of land located
within the County of San Diego's East Mesa Correctional
Complex.

COMMITTEE ACTION: Reviewed by PSS on 3/21/90. Recommendation
to approve the City Manager's recommendation. Districts 2, 3, 4
and 7 voted yea. District 5 abstained.

Aud. Cert. 9100037.

NOTE: See Item 202 for a companion item.

FILE LOCATION: Subitem-A,B: - - ; Subitem-C: LEAS -
Wackenhut Corrections Corporation
LEASFY91-1

COUNCIL ACTION: (Tape location: E429-656.)

MOTION BY PRATT TO ADOPT ITEM-151 AND -202. Second by Roberts.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not
present, Henderson-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-200: (O-91-13) INTRODUCED, TO BE ADOPTED
AUGUST 6, 1990

Introduction of an Ordinance amending Chapter II, Article 4
of the San Diego Municipal Code by amending Sections
24.0206, 24.0208, 24.0308 and 24.0310 relating to
Withdrawal of Contributions and Reinstatement Thereof for
General and Safety Members; amending Section 24.0313
relating to Buyback of Approved Leaves of Absence for all
Members; amending Sections 24.0308.5 and 24.1102(c)
relating to Buyback of Refunds Taken by Safety Members; and
adding new Section 24.0311 and amending Section 24.1102(d)
relating to Upgrade of 1981 Benefits to CERS for Safety
Members.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO INTRODUCE THE ORDINANCE. Second by
Bernhardt. Passed by the following vote: Wolfsheimer-not
present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (R-91-92) ADOPTED AS RESOLUTION R-276075

Authorizing the issuance of Tax Anticipation Notes for
Fiscal Year 1990-1991 in an amount equal to 100 percent of
the anticipated fiscal year cumulative cash flow deficits,
not to exceed \$80,000,000 in two series of notes, Series A
and Series B, at such times as the City Manager and the
City Treasurer shall determine to be necessary and
appropriate.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-91-20) ADOPTED AS RESOLUTION R-276195

(Continued from the meeting of July 9, 1990, Item S402, at the City Manager's request, for additional discussion with the County.)

Approving the inclusion by the County of San Diego of the SANDER site, a 43-acre parcel owned by the United States Navy which is located southerly of Route 52 and easterly of Convoy Street, in the evaluation of potential jail sites, contingent upon the City acquiring ownership of the site.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The City and County have recently entered into two agreements related to the construction of a permanent pre-trial detention facility. These agreements state that the City will provide the County with a 25-40 acre City-owned site to build a 2700 bed pretrial detention facility. The County is required to reimburse the City for the fair market value of this property from Proposition A funds or a subsequent tax measure related to jail financing. After reviewing a list of City-owned parcels which could be potentially used as a site, the County selected the SANDER site. The SANDER site is a 43-acre parcel owned by the U.S. Navy which is located southerly of Route 52 and easterly of Convoy Street in the Kearny Mesa area. The property is part of a Navy/City land exchange which

was approved by City Council on December 15, 1986. The ownership has not yet transferred from the Navy to the City due to toxic waste problems on another parcel in the exchange, the North Chollas site. A study of possible hazardous waste on the

site by the County has discovered no significant problems and appears to be usable as a jail site. This Resolution would authorize the County to include this site, along with County-owned sites on Overland Drive in Kearny Mesa and Front and B Street, to be included in an EIR to be completed by the County.

NOTE: See Item 151 for a companion item.

FILE LOCATION: LEAS - County of San Diego of the SANDER
Site LEASFY91-1

COUNCIL ACTION: (Tape location: E429-656.)

MOTION BY PRATT TO ADOPT ITEM-151 AND -202. Second by Roberts.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not
present, Henderson-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-203: TRAILED TO TUESDAY, JULY 24, 1990 DUE TO LACK OF
TIME

(Continued from the meeting of July 3, 1990, Item S500, at
the City Manager's request, for further review.)

An Informational Report from the City Manager regarding a
communication from Councilmember Hartley on the creation of
a Downtown Court/Jail Complex Task Force.

(See memorandum from Councilmember John Hartley dated
6/6/90.)

COMMITTEE ACTION: Initiated by PSS on 6/20/90. Recommendation
to refer Councilmember Hartley's 6/6/90 memorandum on a Downtown
Court/Jail Complex Task Force to the City Manager to answer
questions in the memo, and consider what alternatives could be
pursued in the event Proposition A is deemed invalid, and report
to the City Council. Districts 2, 3, 4 and 5 voted yea.
District 7 not present.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: E370-374.)

ITEM-204: CONTINUED TO JULY 24, 1990

In the matter of a report concerning the economic impact of
the City-wide Impact Fees.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A080-088.)

MOTION BY BERNHARDT TO CONTINUE ITEM-204 AND -205 TO TUESDAY,
JULY 24, 1990, AT THE CITY MANAGER'S REQUEST. Second by
Hartley. Passed by the following vote: Wolfsheimer-not
present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-205: CONTINUED TO TUESDAY, JULY 24, 1990

(Continued from the meetings of March 20, 1990, Item 337,
April 5, 1990, Item 602, and April 23, 1990, Item 208; last
continued at the request of Councilmembers McCarty, Filner,
Bernhardt and Pratt, to allow time for the City Manager,
the Mayor, and Councilmembers McCarty and Filner to select
a consultant (for Council approval) and to conduct a fiscal
and economic impact analysis.)

Three actions relative to Citywide Impact Fees:

(See City Manager Reports CMR-90-158 and CMR-90-128.)

Subitem-A: (O-90-95)

Introduction of an Ordinance amending Chapter VI, Article
1, of the San Diego Municipal Code by adding Division 25,
Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505,
61.2506, 61.2507, 61.2508, 61.2509 and 61.2510 relating to
Impact Fees.

Subitem-B: (R-90-1422)

Adoption of a Resolution to impose Citywide Impact Fees.

Subitem-C: (R-90-1423)

Adoption of a Resolution rescinding Development Impact Fees for branch libraries and fire facilities as currently charged in the urbanized areas and replacing them with one standard impact fee for libraries and one for fire facilities in all urbanized communities.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A080-088.)

MOTION BY BERNHARDT TO CONTINUE ITEM-204 AND -205 TO TUESDAY, JULY 24, 1990 AT THE CITY MANAGER'S REQUEST. Second by Roberts.

Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-206:

Matters of:

(1) A proposal to approve an interim ordinance that establishes the following for development in the Centre City San Diego Community:

Land use Development intensity
Building design criteria A Parking Management
Program

Permit procedures

(2) Proposed Centre City and Barrio Logan community plan amendments enabling a change to the southeast boundaries of the Centre City San Diego community planning area;

(3) Conceptual approval of the Preliminary Centre City San Diego Community Plan, Centre City and Balboa Park Parking Management Study and Bay Park Link Program. The boundaries include generally, the area of the city bordered on the north by Laurel Street, south and east by I-5, Sigsbee and Beardsley Streets and the San Diego Harbor and west by the San Diego Harbor.

(Districts-2 and 8.)

Subitem-A: (R-91-89) ADOPTED AS RESOLUTION R-276196 AMENDING
THE PLAN

Adoption of a Resolution approving the Centre City San
Diego Community Plan.

Subitem-B: (O-91-9) INTRODUCED AS AMENDED, TO BE ADOPTED
AUGUST 6, 1990

Introduction of an Ordinance enacting the Interim
Development and Design Ordinance.

FILE LOCATION: LAND - Centre City San Diego Community Plan

COUNCIL ACTION: (Tape location: B284-E368.)

Hearing began at 3:09 p.m. and halted at 5:19 p.m.

Testimony in favor by Frederick Marks, Anthony Cutri, and Wayne
Raffesberger.

Testimony in opposition by Matt Peterson, Jacqueline Watson,
Wayne Buss, Susan Golding, Rich Robinson, and Lawrence R.
Doherty.

MOTION BY FILNER TO MOVE APPROVAL OF THE PLAN AND ORDINANCE,
INCLUDING THE RECOMMENDATIONS OF THE T&LU COMMITTEE, WITH A FEW
SPECIFIC SUGGESTIONS: (1) TO MAKE FOUR BLOCKS ADJACENT TO THE
COUNTY ADMINISTRATION CENTER A HEIGHT LIMIT OF 85' AND A FAR 4
AS VOTED FOR BY THE PLANNING COMMISSION; (2) TO MAKE SURE THAT
THE BLOCKS NORTH AND SOUTH OF THE COUNTY ADMINISTRATION CENTER
WILL BE GUIDED BY THE COUNTY ADMINISTRATION GUIDELINES; (3) TO
DELETE REMOTE PARKING AREA LOCATED AT UNION TO 6TH AVENUE, A
STREET TO CEDAR STREET, AND THE "L" SHAPE--CEDAR STREET TO
SECOND AVENUE, BACK DOWN TO BEECH STREET; SUPPORTING THE COUNTY
BY REQUESTING THE PORT DISTRICT INCORPORATE IN ITS WATERFRONT
PLAN THE PROVISIONS THAT THE COUNTY REQUESTED IN TERMS OF COUNTY
GUIDELINES. DIRECT STAFF TO SET FOR PUBLIC HEARING AT THE
EARLIEST POSSIBLE DATE THE FOLLOWING ISSUES: (A) EXPANSION OF
CORTEZ HILL RESIDENTIAL DISTRICT; (B) POSSIBLE ELIMINATION OF
THE STREET LEVEL DEVELOPMENT INCENTIVE; (C) THE LEVEL WATERFRONT
FARs AND OTHER RECOMMENDATIONS SUGGESTED IN THE C3 PRESENTATION
AND THE SUGGESTIONS THAT MR. WAYNE BUSS, AIA, MADE IN HIS
PRESENTATION; (D) ADD BACK INTO THE PLAN TO MAINTAIN THE FIR
STREET VIEW CORRIDOR; (E) RESIDENTIAL USE AT THE EAST SIDE OF
SIXTH AVENUE, COMMERCIAL ON THE WEST SIDE OF SIXTH; (F) THE PORT

DISTRICT LETTER REGARDING THE QUESTION OF THE AIRPORT. THESE ISSUES WOULD BE CONSIDERED AS THE EIR GOES FORWARD. (MOTION RESTATED BY FILNER: RESCINDING THE CENTRE CITY OVERLAY ZONE; RESCINDING THE CENTRE CITY EAST PDO; RESCINDING THE CENTRE CITY EMERGENCY ORDINANCE; CONCEPTUALLY APPROVING THE BAY PARK LINK STUDY, APPROVING CENTRE CITY BALBOA PARK PARKING MANAGEMENT PLAN, THE PRELIMINARY CENTRE CITY COMMUNITY PLAN, ADOPTING THE

INTERIM CENTRE CITY DEVELOPMENT ORDINANCE; CORRECTING THE TYPOGRAPHICAL ERROR ON PAGE 3 OF THE MEMO TO FRED CONRAD FROM PLANNER MONSERRATE DATED JULY 19, 1990, CHANGING "MINIMUM" TO MAXIMUM" ABOVE GRADE.) Second by Bernhardt.

MOTION BY PRATT TO CONTINUE FOR ONE WEEK THE MATTER OF THE HEIGHT LIMITATION ADJACENT TO THE COUNTY ADMINISTRATION BUILDING WHICH IS IDENTIFIED IN THE PLAN AT 160'. Second by McCarty.

Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Vote on the motion by Filner excluding the matter of the height limitation adjacent to the County Administration Building passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-207: CONTINUED TO SEPTEMBER 10, 1990

(Trailed as Unfinished Business from the meeting of July 3, 1990, Item 333; Continued from the meeting of July 9, 1990, Item S404, at Councilmember Bernhardt's request, for further review.)

Three actions relative to the Scripps Miramar Ranch
Facilities Benefit Assessment:

(See City Manager Report CMR-90-219. Scripps Miramar Ranch
Community Area. District-5.)

Subitem-A: (R-90-1909)

Designating an area of benefit in Scripps Miramar Ranch and
the boundaries; confirming the description of Public

Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the Proposed Public Facilities Project in the matter of the Scripps Miramar Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-90-1910)

Declaring the assessment fee schedule contained in the Scripps Miramar Ranch Public Facilities Financing Plan, approved in Resolution R-275816, to be an appropriate and applicable development impact fee for all properties

located within the Greater Scripps Miramar Ranch Community Planning Area that have either never been assessed under the Scripps Miramar Ranch Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.
Subitem-C: (O-90-112)

Introduction of an Ordinance amending Chapter X, Article 2, of the San Diego Municipal Code by amending Section 102.0406.0611 relating to the Scripps Miramar Ranch Community Planning Area.

FILE LOCATION: STRT FB-11

COUNCIL ACTION: (Tape location: A103-111.)

MOTION BY BERNHARDT TO CONTINUE TO SEPTEMBER 10, 1990, TO AFFORD MEMBERS OF THE SCRIPPS RANCH PLANNING BOARD TIME TO REVIEW AND COMMENT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: PRESENTATION MADE

A presentation to the Mayor and City Council of the three
City of San Diego Outstanding Drivers of the Year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-055.)

ITEM-S401: (O-91-17) APPROVED FIRST HEARING

First public hearing in the matter of:
Adopting the Annual Budget for the Fiscal Year 1990-91 and
appropriating the necessary money to operate the City of
San Diego for said Fiscal Year.
(See City Manager Report CMR-90-335.)

NOTE: See Item S500 on the docket of Tuesday, July 24,
1990, for the introduction and adoption of the Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B247-277.)

MOTION BY McCARTY TO APPROVE AND TO TRAIL TO TUESDAY, JULY 24,
1990, THE ISSUE OF THE DELAY OF CIP, SECOND PHASE, I-15 CORRIDOR
PROJECT AS REQUESTED BY COUNCIL MEMBER HARTLEY. Second by
Roberts. Passed by the following vote: Wolfsheimer-not
present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402: (R-91-129) ADOPTED AS RESOLUTION R-276197

A Resolution approved by the City Council in Closed Session
on Tuesday, June 12, 1990 by the following vote:
Wolfsheimer-yea; Roberts-not present; Hartley-not present;
Pratt-not present; Bernhardt-yea; Henderson-not present;
McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$45,300 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Patrick Media Group, Inc. (Superior Court Case No. 603485, Patrick Media Group, Inc. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$45,300 made payable to Patrick Media Group, Inc. in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of Patrick Media Group's property damage claim as a result of the incident of February 1, 1987. Aud. Cert. 9001101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-219.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403:

Two actions relative to taxation:

Subitem-A: (O-91-4) INTRODUCED, TO BE ADOPTED
AUGUST 6, 1990

Introduction of an Ordinance to amend Chapter III, Article 5, of the San Diego Municipal Code, relating to Transient Occupancy Taxes, to include Recreational Vehicle/Camping sites as a category of facility upon which TOT is imposed.

CITY MANAGER SUPPORTING INFORMATION: On June 28, 1990, the City Council directed staff to draft an amendment to the Transient Occupancy Tax Ordinance to impose the tax upon transient Recreational Vehicle/Camping space site rentals. The tax rate to be imposed on transient RV/Camping space site rentals shall be the same rate imposed upon hotel structures; and, rentals of \$20 or less per day shall be exempt. All revenues collected by the City as a result of this amendment of

the Transient Occupancy Tax Ordinance shall be deposited to the General Fund of the City (Fund No. 100) and be used for general governmental purposes as the City Council may from time to time provide in accordance with the City Charter of the City of San Diego and its appropriation ordinances.

Subitem-B: (O-91-7) INTRODUCED AS AMENDED, TO BE
ADOPTED AUGUST 6, 1990

Introduction of an Ordinance adding Chapter III, Article 8, to establish a Transient Transportation Tax, of 3 percent upon the cost of passenger vehicle rentals of 30 days or less which originate within the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION: On June 28, 1990, the City Council directed staff to draft an ordinance to establish a Transportation Tax of 3 percent upon the cost of passenger vehicle rentals of 30 days or less which originate within the City of San Diego. The tax rate on transient passenger vehicle rentals shall be imposed upon the total cost of vehicle rentals except for other local, state, or federal taxes. All revenues collected by the City as a result of establishing a Transient Transportation Tax shall be deposited into the General Fund of the City (Fund No. 100) and be used for general governmental purposes as the City Council may from time to time provide in accordance with the City Charter of the City of San Diego and its appropriation ordinances.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A227-B232.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES WITH THE
AMENDMENT

TO DELETE THE COLLISION DAMAGE WAIVER AND INSURANCE FROM THE TAXES, AND TO DIRECT STAFF TO REPORT TO THE RULES COMMITTEE PRIOR TO THE NEXT FISCAL YEAR BUDGET DELIBERATIONS WITH A REPORT ON THE PROCESS AND IMPLEMENTATION. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 5:36 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E660).